

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chart Riggall	Team: Squad #4	CCRB Case #: 201804601	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/01/2018 12:30 AM	Location of Incident: [REDACTED]	Precinct: 32	18 Mo. SOL 11/1/2019	EO SOL 11/1/2019	
Date/Time CV Reported Sat, 06/09/2018 6:21 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 06/09/2018 6:21 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Matthew Weinbel	12189	947599	032 PCT
2. POF Nanette Schoepfer	16606	940720	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Nanette Schoepfer	Force: Police Officer Nanette Schoepfer used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POF Nanette Schoepfer	Abuse: Police Officer Nanette Schoepfer forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]
C.POM Matthew Weinbel	Abuse: Police Officer Matthew Weinbel forcibly removed § 87(2)(b) [REDACTED] to the hospital	[REDACTED]

Case Summary

On June 9, 2018, § 87(2)(b) filed this complaint with the CCRB online.

On May 1, 2018, at approximately 3:30 AM, at § 87(2)(b) in Manhattan, PO Nanette Schoepfer of the 32nd Precinct used physical force against § 87(2)(b) (**Allegation A: Force, § 87(2)(g)**). PO Schoepfer and PO Matthew Weinbel, also of the 32nd Precinct, removed § 87(2)(b) to § 87(2)(b) Hospital (**Allegation B: Abuse of Authority, § 87(2)(g)**).

No arrests or summonses resulted from this incident. There was no known video of this incident.

Findings and Recommendations

Allegation (A) Force: Police Officer Nanette Schoepfer used physical force against § 87(2)(b)

It is undisputed that after 12 AM on May 1, 2018, § 87(2)(b) returned from a bar where she had been drinking to her apartment building at § 87(2)(b) in Manhattan. Another resident in the building called 911 at approximately 3:20 AM (BR 01 and 02) to report that § 87(2)(b) was banging on doors and screaming at residents. PO Matthew Weinbel and PO Nanette Schoepfer responded to the location, where they briefly spoke with the 911 caller. They then proceeded to the § 87(2)(b) floor of the building, where they found § 87(2)(b).

During her CCRB interview (BR 03), § 87(2)(b) was unable to recall important details of the incident. § 87(2)(b) attributed her lack of memory to the time between the incident and her CCRB interview. § 87(2)(g)

§ 87(2)(b) was combative when questioned and refused to complete HIPAA forms correctly, though she was informed this could impede the investigation.

§ 87(2)(b) (BR 03) said that before coming home, she was at a bar two blocks from her home. § 87(2)(b) initially claimed that she only drank water at the bar, but later admitted to having two gin drinks. She could not recall over what period of time she consumed these drinks. § 87(2)(b) walked home and to the fifth floor. While she was attempting to open the door to her apartment, PO Weinbel and PO Schoepfer approached her from the staircase. PO Schoepfer told § 87(2)(b) that she needed to come with the officers without explaining why.

§ 87(2)(b) cooperated, and walked down the stairs in front of the officers. As they neared the first floor on the final flight of stairs, § 87(2)(b) felt PO Schoepfer grab her left arm. § 87(2)(b) made a shrugging motion and said, “Don’t touch me.” PO Schoepfer then pushed § 87(2)(b) on her left side. § 87(2)(b) could not be more specific as to how where PO Schoepfer touched her to push her. § 87(2)(b) bumped in to the wall and fell down the stairs, landing on the first floor. § 87(2)(b) could not describe how many steps she fell or how exactly she landed. § 87(2)(b) sustained bruises to her right hip and thigh from her fall, but did not request medical attention.

One of the officers – § 87(2)(b) could not tell which – then rear-handcuffed § 87(2)(b) while she was still on the ground. The officers then called for an ambulance. § 87(2)(b) was transported to § 87(2)(b) Hospital, and recalled hearing PO Schoepfer tell someone in the hospital that they had received a call about somebody banging on apartment doors. § 87(2)(b) denied calling 911 or banging on any doors in her building. She made mention of a homeless “crackhead” who frequently sleeps in her stairwell, and that the police refuse to remove him, and that if anyone was banging on doors, it was likely him.

§ 87(2)(b) provided photographs she took on May 3, 2018 (BR 04) of the injuries she sustained during the incident, which depicted bruising to her right leg. She alleged that these stemmed from her fall.

Despite § 87(2)(b) incomplete HIPAA forms, the investigation was able to obtain medical records from FDNY and § 87(2)(b) Hospital. The FDNY Prehospital Care Report Summary (BR 06) reflects that § 87(2)(b) made “attempts to kick and bight [sic] at both police and EMS,” while refusing to allow EMS to touch her. The report classifies § 87(2)(b) as an EDP, lists her mechanism of injury as alcohol intoxication, and lists the care provider impression as “behavioral disorder.” § 87(2)(b) admitted to EMS that she had been drinking. EMS could not perform an evaluation for any injuries due to § 87(2)(b) cooperation.

§ 87(2)(b) medical records from § 87(2)(b) Hospital (BR 05) show that testing conducted at 7:50 a.m. revealed her ethanol level at 223.1 mg/dL, or .223 g/dL blood alcohol content, well above the typical threshold for alcohol intoxication (80 mg/dL, or .08 g/dL). § 87(2)(b) claimed that she was in her apartment when the police broke in and forcefully removed her from her home; NYPD and EMS claimed to medical staff they were called because she was banging on doors in her apartment building, became combative when they arrived, and starting fighting and biting. § 87(2)(b) denied alcohol and substance abuse history and presented as calm and cooperative, though confused. § 87(2)(b)

§ 87(2)(b) was held for observation until sobriety was achieved. § 87(2)(b) was released home at § 87(2)(b) § 87(2)(b) made no complaint of being pushed, of experiencing pain, or of having any injuries.

PO Schoepfer (BR 07) explained that prior to this incident, she had upwards of five encounters with § 87(2)(b). In the past, § 87(2)(b) has called the police to report the aforementioned “crackhead” sleeping in the stairwell. Upon officers arriving, they would find no such individual, only § 87(2)(b). On at least one occasion, § 87(2)(b) had poured bleach on the stairwell to rid herself of this “crackhead.” Based on her prior interactions with § 87(2)(b) PO Schoepfer believed that there is no such “crackhead,” and believed § 87(2)(b) was “seeing people.”

On May 1, 2018, PO Schoepfer and PO Weinbel arrived at § 87(2)(b) apartment building after receiving a 911 call that § 87(2)(b) was creating a disturbance. Upon arrival, they met the 911 caller, who said that § 87(2)(b) had been banging on “every apartment door” and shouting racial epithets. The officers proceeded to the fifth floor, where they found § 87(2)(b) standing with a blank stare on her face. § 87(2)(b) said, “What the fuck do you guys want?” PO Schoepfer asked § 87(2)(b) why she was banging on doors. § 87(2)(b) said it did not matter.

PO Schoepfer immediately suspected § 87(2)(b) to be under the influence of alcohol. She could smell it on her breath, and § 87(2)(b) was unsteady on her feet, fidgeting, and cursing at the officers. She also began swatting and flailing her arms at the officers when they approached. By this time, PO Schoepfer determined that § 87(2)(b) behavior was even more erratic than on past occasions, and suspected her to be under the influence of a narcotic. § 87(2)(b) had never behaved aggressively towards PO Schoepfer before.

PO Schoepfer and PO Weinbel looked at one another, said, “EMS?” and one of them (PO Schoepfer could not recall who) requested an ambulance. For the officers’ safety, they handcuffed § 87(2)(b) who resisted by flailing her arms. After handcuffing her, PO Schoepfer began to walk § 87(2)(b) down the stairs to meet EMS, holding her by her left arm, while PO Weinbel walked behind them. § 87(2)(b) periodically stopped as they walked down the stairs to

berate PO Schoepfer, saying at one point, “When I get out of these cuffs, I’m going to murder you.”

Near the ground floor, § 87(2)(b) stumbled and her legs fell out from under her, so that she landed on her legs and buttocks on the stairs. The impact of her fall was “not hard.” § 87(2)(b) did not fall down the stairs to the ground floor. PO Schoepfer promptly picked her back up and walked § 87(2)(b) outside to the street. § 87(2)(b) did not complain of any pain or injuries. PO Schoepfer denied pushing her or seeing any officer do so.

PO Weinbel (BR 08) was largely consistent with PO Schoepfer, with the following exceptions. He said that § 87(2)(b) did not resist being handcuffed, and that when § 87(2)(b) stumbled on the staircase, she did not hit the ground.

§ 87(2)(b) § 87(2)(g), § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Nanette Schoepfer removed § 87(2)(b) to the hospital.

Allegation (C) Abuse of Authority: Police Officer Matthew Weinbel removed § 87(2)(b) to the hospital.

§ 87(2)(b) denied being significantly intoxicated during this incident. § 87(2)(b) did not request medical attention from the officers after being allegedly pushed by PO Schoepfer and did not want to go to the hospital. She could not recall any details of her conversation with EMS personnel or her stay at § 87(2)(b) Hospital.

As noted previously, PO Schoepfer immediately suspected § 87(2)(b) to be severely intoxicated with alcohol, and possibly under the influence of an additional substance. Because of her apparent intoxication, her aggressive demeanor, and the inherent danger of knocking on strangers’ doors late at night, PO Schoepfer considered § 87(2)(b) to be a danger both to herself and others. She felt that § 87(2)(b) needed medical attention to help her “sober up.” Before escorting her down the stairs, she told § 87(2)(b) “You’re gonna go to the hospital.”

After § 87(2)(b) was brought out to the street, the officers sat her on the stoop of the building while awaiting the ambulance. PO Schoepfer did not have any conversation with the EMTs, but after a few minutes of discussion with PO Weinbel, the EMTs placed § 87(2)(b) in the ambulance and transported her to § 87(2)(b) Hospital.

PO Weinbel was likewise immediately concerned at § 87(2)(b) degree of intoxication, and suspected that she had used narcotics for the same reasons specified by PO Schoepfer. PO Weinbel initially hoped he would be able to bring § 87(2)(b) to her apartment and not to the hospital, but given how erratic her behavior was, he felt it would be irresponsible to leave her alone, and that the safest course of action was to request medical attention. The decision as to whether § 87(2)(b) would be hospitalized fell to EMS, but PO Weinbel was confident that EMS would agree with his assessment of § 87(2)(b) as emotionally disturbed.

After § 87(2)(b) was walked out of the building, she became even more angry and was yelling more than previously. One of the EMTs briefly attempted to speak with § 87(2)(b) and then informed PO Weinbel that he concurred with his assessment.

The AIDED report prepared by PO Weinbel (BR 09) was consistent with both officers' testimony. PO Weinbel clarified, when asked about the box marked "Spoke of harm to self/others," that § 87(2)(b) had spoken only of harm to others (i.e., PO Schoepfer).

As was previously discussed, medical records show that § 87(2)(b) was heavily intoxicated and was physically aggressive with EMS and the police.

Patrol Guide Procedure 221-13 (BR 10) states that an officer must take into protective custody, and have removed to the hospital in an ambulance, any "person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others." Patrol Guide Procedure 216-01 (BR 11) states that uniformed members of the service concerned shall cooperate with ambulance/hospital personnel in every reasonable manner.

§ 87(2)(g), § 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b)
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- PO Schoepfer has been a member of service for twelve years and has been a subject in two prior complaints with three allegations.
- PO Weinbel has been a member of service for nine years and has not been a subject in any prior CCRB complaints.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- On August 22, 2018, a FOIL request was sent to the office of the New York City Comptroller. The results will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no criminal conviction history in New York City (BR 12).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date